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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA
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10 RICK OLMSTEAD,
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Plaintiff,

v.

13 SECRETARY OF THE NAVY, RAY
14 MABUS,
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Defendant.

CASE NO. C13-5051 BHS

ORDER GRANTING
PLAINTIFF'S MOTION AND
DENYING DEFENDANT'S
MOTION AS MOOT

17 This matter comes before the Court on Defendant Ray Mabus's ("Defendant")
18 motion to dismiss (Dkt. 34) and Plaintiff Rick Olmstead's ("Plaintiff") motion for leave
19 to amend (Dkt. 36).

20 On March 27, 2014, Plaintiff filed an amended complaint alleging a cause of
21 action for employment discrimination under state law. Dkt. 33. On April 3, 2014,
22 Defendant filed his motion to dismiss and Plaintiff subsequently filed his motion to
amend because, as both parties agree, the cause of action should have alleged a violation
under federal law. Therefore, the Court **GRANTS** Plaintiff's motion to amend and

1 || **DENIES** Defendant's motion to dismiss as **moot**. Plaintiff shall file the amended
2 || complaint as a separate entry on the electronic docket.

IT IS SO ORDERED.

Dated this 21st day of May, 2014.


BENJAMIN H. SETTLE
United States District Judge